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July 17, 2020

The Honorable Leonard P. Stark
United States District Court
For the District of Delaware
844 King Street
Wilmington, Delaware 19801

RE: *H. Lundbeck A/S v. Apotex Inc., et al.*, C.A. No. 18-088 (LPS) (Consolidated)

Dear Judge Stark:

We write on behalf of Defendants to inquire about one aspect of the Court's July 6, 2020 Text Order (D.I. 829). Specifically, section (ii) of the Order addresses the combined time allotted for deposition questioning of Dr. Myerson and either Drs. Morin or Gozzo on issues of infringement individual to each Defendant about which Dr. Myerson and either Dr. Morin or Dr. Gozzo have offered opinions. The parties negotiated this particular aspect of the expert deposition time limitations and agreed to the assignment of a specific number of combined hours for the depositions related to that specific circumstance (the "Combined Time"). While the parties were not able to come to agreement on the amount of the Combined Time, all agreed to address those depositions in the context of the Combined Time and set forth their positions on the Joint Letter to the Court submitted on July 1, 2020 (D.I. 820).

Defendants sought ten (10) hours of Combined Time for each of the relevant Defendants and Plaintiffs offered seven (7) hours of Combined Time for each of the relevant Defendants. After good faith discussion, the parties reached an impasse on the amount of Combined Time and submitted the issue to the Court. The Court ordered that each of the relevant Defendants would be allowed only four (4) hours of Combined Time (D.I. 829), three (3) hours less than Plaintiffs' last offer. Defendants respectfully request the Court consider this anomaly in the allowed time and, if the language of the Order correctly sets forth the Court's decision on the Combined Time, reconsider the positions of the parties on this issue and amend the order to reflect the Combined Time proposed by Plaintiffs.

Defendants contacted Plaintiffs about approaching the Court jointly on this issue and Plaintiffs declined to join this letter.

Respectfully submitted,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)

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cc: All Counsel of Record (via CM/ECF and email)
Clerk of Court